

IN THE MATTER OF  
THE APPLICATION OF  
ROMAN SZYJKA -PETITIONER  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE EAST SIDE HAMILTON AVENUE,  
65.02 FT. SOUTHEAST OF 32ND STREET  
(6002 HAMILTON AVENUE)  
15TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 94-231-A

\* \* \* \* \*

**OPINION**

Roman Szyjka filed a Petition for Variance to permit a side yard setback of .6 ft. (approximately 7 inches) in lieu of the required 10 ft. to permit the completion of a deck to be attached to a residential dwelling at 6002 Hamilton Avenue in the Fifteenth Election District and the Fifth Councilmanic District of Baltimore County. After a hearing before the Zoning Commissioner, who denied the Petition for Variance, Mr. Szyjka timely filed an appeal. At a hearing on the appeal, the Board received testimony from Mr. Szyjka, as well as his documentary and photographic evidence, and received the testimony of Mark Scarinzi, who owns the adjacent property on the side of Petitioner's dwelling on which Petitioner constructed the deck. From that testimony and evidence, we find the following facts.

The subject property is a lot approximately 50 ft. by 189 ft. in length, rectangular in shape. Since 1969, the Petitioner has resided in the single-family dwelling which improves that lot, which also contains a garage and is improved to the rear of the dwelling with a patio. On the Scarinzi side of Petitioner's dwelling exists a door into the kitchen with a step and, also slightly to the rear of that, a 6 ft. by 19 ft. alcove with steps

Case No. 94-231-A Roman Szyjka -Petitioner 2

down to a door, through which one enters the basement of Petitioner's home. Prior to August of 1993, Petitioner suffered two break-in's to his home during which persons unknown gained entrance to the dwelling through the glass and wood door to the basement located in the alcove. Additionally, Petitioner testified to incidents of flooding occurring in the back portion of his basement, which he attributed to rainwater that collected in the alcove leading to the basement, despite the fact that at the entrance to the basement there exists a drain which operates in a normal fashion.

In order to alleviate the problems Petitioner experienced, he elected to construct a deck with approximate dimensions of 9 ft. by 33 ft. from the side of the house into the 10-foot setback area of his side yard adjacent to the Scarinzi property. During construction, which is not yet completed, Petitioner learned, as a result of a conversation with Mr. Scarinzi, that Petitioner might need a building permit and perhaps a variance in order to construct the deck in the manner proposed. Thereupon, Petitioner filed an application for a building permit, and sought an administrative variance for the side yard setback, which subsequently led to the hearing before the Zoning Commissioner, Petitioner's appeal, and the subject hearing before this Board.

Section 307 of the Baltimore County Zoning Regulations (BCZR) permits the Board of Appeals to grant the variance upon certain terms and conditions which in pertinent part in this case allow a variance where special circumstances or conditions exist that are

Case No. 94-231-A Roman Szyjka -Petitioner 3

peculiar to the land or structure which is the subject of the variance requested, and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Prior to the commencement of the hearing, Petitioner amended his variance petition without objection to seek a variance to allow a 2 ft. setback in lieu of the 10 ft. required setback.

Upon consideration of the testimony and evidence, we do not find as a fact that there are special circumstances or conditions existing that are peculiar to the land or structure which is the subject of the variance requested. We find as a fact that the grade between the two properties, the layout of the lot, the erection of the dwelling upon it in the manner in which it has been erected, the occurrence of rainwater collecting in a drained alcove, the occasion of two break-in's during Petitioner's ownership of the site, and the other reasons offered by him for the grant of the variance do not meet the requirements of Section 307 of the BCZR. These problems certainly do not result from any special conditions or circumstances peculiar to the subject site. Many homeowners throughout the metropolitan area in Baltimore County suffer similar problems, which might be alleviated by any number of other means rather than granting a variance from a side yard setback, in order to permit one to construct a deck over top of the alcove to prevent rainwater from entering the subject dwelling through its basement. Indeed, such construction may actually create water run-off problems for adjoining properties.

Case No. 94-231-A Roman Szyjka -Petitioner 4

Furthermore, so long as he does so without encroaching upon the required setback, the Petitioner can construct a deck for his convenience and enjoyment to the rear of his property without the necessity of obtaining a variance.

For all of the reasons we have given, we will deny the Petition for Variance.

**ORDER**

THEREFORE, IT IS this 20th day of July, 1994, by the County Board of Appeals of Baltimore County, ORDERED that the Petition for Variance be and the same is DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

C. William Clark, Acting Chairman

Robert O. Schuetz

Harry E. Buchheister, Jr.



**County Board of Appeals of Baltimore County**

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 20, 1994

Kathryn T. May, Esquire  
LEVIN & GANN  
305 W. Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 94-231-A  
Roman Szyjka -Petitioner

Dear Ms. May:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,  
*Charlotte E. Kadelko for*  
Kathleen C. Weidenhammer  
Administrative Assistant

Enclosure

cc: Mr. Roman Szyjka  
Mr. Mark Scarinzi  
Pat Keller  
People's Counsel for Baltimore County  
Lawrence E. Schmidt  
Timothy M. Rotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
E/S Hamilton Avenue, 65.02 ft. \* ZONING COMMISSIONER  
SE of 32nd Street \*  
6002 Hamilton Avenue \* OF BALTIMORE COUNTY  
15th Election District \*  
5th Councilmanic District \*  
Roman Szyjka \*  
Petitioner \*

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 6002 Hamilton Avenue in the Roseale Farm subdivision of Baltimore County. The Petition is filed by Roman Szyjka, property owner. Therein variance relief is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of .6 ft. (approx. 7") in lieu of the required 10 ft. The relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

This matter was originally filed as a Petition for Administrative Variance pursuant to Section 26-127 of the Baltimore County Code. Therein, the owner of residential property who resides thereon may request variance relief without necessarily submitting to a public hearing. Upon request for an administrative variance, the property is posted with a sign advertising the requested variance. If a request for public hearing is not made by an owner of any neighboring property, the Zoning Commissioner may consider the variance based on the documentation filed with the Petition. However, in this case, a request for public hearing was received from the owner of the adjacent property located at 6000 Hamilton Avenue. Thus, based on this request, which was filed by Mark Scarinzi, the matter was scheduled for the requisite public hearing.

ORDER RECEIVED FOR FILING  
Date *July 21*  
By *Mr. Gant*

Appearing at the public hearing held for this case was Roman Szyjka, the Petitioner/property owner. He was represented by Kathryn T. May, Esquire. The aforementioned Mr. Scarinzi appeared in opposition. There were no other persons present.

A review of Mr. Szyjka's testimony offered in this case is of particular note. He stated that he is the owner of the subject property known 6002 Hamilton Avenue. The site is approximately .22 acres in area and is zoned D.R.5.5. The property is approximately 50 ft. in width and a 190 ft. in depth. Presently, the site is improved with an existing one story single family house, a patio connected to the rear of the dwelling and a detached garage located on the rear of the lot. The property is also improved with a deck along the north side of the dwelling which occupies the side yard of the property. It is the subject deck which has resulted in the Petition for Administrative Variance.

Mr. Szyjka submitted two site plans, one showing the property prior to the construction of the deck (Petitioner's Exhibit No. 1) and another plan showing the property with the deck (Petitioner's Exhibit No. 2). Petitioner's Exhibit No. 1 shows that the side yard involved previously maintained the required 10 ft. setback distance from property line to building wall. However, an alcove with steps leading to the basement of the property was located within this side yard. Mr. Szyjka testified that it was the location of this entrance to the basement which necessitated the subject deck and Petition for Variance. Particularly, he testified that since his ownership of the property in 1969, he has experienced water problems in the basement. During heavy rainstorms, water would run down the steps and through the alcove created by the basement entrance. He reported persistent flooding of the basement due to this problem. In

ORDER RECEIVED FOR FILING  
Date *July 21*  
By *Mr. Gant*

order to remedy this problem, he constructed the subject deck, which is shown in a number of photographs submitted at the hearing. The deck covers nearly the entire side yard of the property adjacent to the house and covers the alcove. Mr. Szyjka testified that installation of the deck prevents large volumes of water from filling the alcove and flooding the basement. Thus, he claimed that the deck was needed in order to resolve this water problem and offered that reason as justification for the variance.

Secondly, Mr. Szyjka testified that the deck was warranted because of security concerns. He indicated that his house has been broken into three times over the years. In each case, the intruders have gained access to the property through the alcove and basement entrance. Constructing the deck over that entrance would block same and prohibit easy access to the property.

In addition to offering these two reasons in support of the variance, Mr. Szyjka testified at length about other issues surrounding the construction of the deck. As noted from the pictures, the deck is substantially completed. From those photos, it appears to be raised two to three feet above the ground level and access to same from the house is available by way of a side door. Moreover, the deck runs nearly the entire length of the house, but for a small portion towards the front of the house which is occupied by an air conditioning and heating unit. Moreover, the deck extends 9 ft. from the house towards the property line. Additionally, Mr. Szyjka testified that he constructed the deck without first obtaining a building permit. He made reference in his testimony to the fact that he is employed in the construction, building or related industry. The nature of his employment was unclear, yet it seems unusual that any person remote-

ORDER RECEIVED FOR FILING  
Date *July 21*  
By *Mr. Gant*





J-NE I-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Map Nos. 103-92, 104-92, 105-92, 106-92, 107-92, 108-92, 109-92

SCALE  
1" = 200' ±  
DATE OF PHOTOGRAPHY  
JANUARY 1986

LOCATION  
ROSEDALE

SHEET  
N.E.  
3-E





PREPARED BY AIR PHOTOGRAPHICS, INC.  
BARTONSDALE, W.V. 26401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP **222**

SCALE	LOCATION	SHEET
1" = 200' ±	ROSEDALE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		3-E



ly familiar with the building industry would be unaware of the requirements for a building permit. Moreover, Mr. Szyjka noted that he stopped construction of the deck after learning that same was in violation of the zoning regulations. If the requested variance is obtained, he proposes putting a fence around the perimeter of the deck. Construction of this fence will further slightly intrude into the side yard mandating a request for a setback of .6 ft. in lieu of the required 10 ft.

As noted above, the adjoining property owner, Mark T. Scarinzi, requested a public hearing and participated at that time as a Protestant. He owns, but leases, the premises next door at 6000 Hamilton Avenue. His testimony centered upon several objections to the deck. These included his concern that Mr. Szyjka constructed the deck without first obtaining the requisite zoning approval and building permit. He is also concerned about a potential fire hazard by construction of this wooden structure so close to his house. Also, he fears storm water runoff from the deck onto his property. Lastly, he believes that the deck presents an eyesore to the community and may depreciate his property's value. It is also to be noted that the Petitioner submitted letters in support of the variance signed by numerous residents of the community, although none are affected as much as Mr. Scarinzi.

All variance relief requested from the B.C.Z.R. is governed by the standards set forth in Section 307 thereof. Within that section, it is provided that the Petitioner must adduce testimony and evidence that a denial of the variance would result in practical difficulty or unreasonable hardship upon the Petitioner. The standard for practical difficulty is defined in McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Moreover, Section 307 of the B.C.Z.R. requires that any variance can only be granted if same is within the spirit and intent of the zoning regulations and not detrimental to the surrounding locale.

A careful analysis of the testimony and evidence offered by the Petitioner in this case, discloses that he has failed to adduce sufficient testimony and evidence to satisfy his burden. As noted above, one of the justifications for the deck is to prevent water leakage into the house. Frankly, it is hard for this Zoning Commissioner to believe that the only alternative to correct this problem is installation of a deck blocking the alcove. Although the Petitioner's testimony concerning the alcove was extensive, if same were to be accepted, one need conclude that all alcoves would result in water leakage to the basement of their dwelling. Frankly, I do not find the Petitioner's testimony credible that this is the only means to resolve this problem. Even if it were, the existing deck more than covers the alcove opening. Although the alcove opening extended into the side yard, some 6 ft., and accompanying sidewalk made the total impermeable surface in that location 8 ft. wide, only a small deck need be

-5-

constructed to cover the alcove. That is, the proposed deck extends far beyond, both in terms of its length and width, the alcove opening. There was no testimony offered to justify why the deck need extend from the rear of the building to the front. Moreover, there was no explanation as to why an area larger than the alcove opening, itself, need be covered. Clearly, the width and breadth of the deck, as constructed, is larger than necessary to remedy the alleged problem.

As to security, the same concerns are applicable. If he is worried about break-ins through the basement entrance, Mr. Szyjka need only block or cover that entrance. Construction of this large deck is not necessary to solve that problem.

As a final basis in support of the variance, Mr. Szyjka argues that removal of the deck would cause a significant financial hardship upon him. This is not doubt true but cannot be considered by me in evaluating this case. Clearly, particularly with Mr. Szyjka's background in the building industry, this Petitioner should have been aware that County approval was required. In my view, construction of the deck without proper requisition with County officials as to governmental requirements was done at the Petitioner's own peril. The case law is clear that the property owner must show a unique hardship to his property and that the hardship should not be self imposed. See e.g., Marino v. Mayor and City Council 15 Md. 206 (1957) and Easter v. City of Baltimore 195 Md. 395 (1950).

Lastly, as to potential detrimental effects on surrounding properties, I am appreciative of Mr. Scarinzi's concerns. I do not believe that a significant fire hazard exist from the construction of the deck, although same is remotely possible. According to the site plans, only 10 ft. will separate the deck from the dwelling at 6000 Hamilton Avenue.

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However, if the flooding problems are as severe as Mr. Szyjka notes, storm water runoff from this rather large deck may prove to be a problem. Again, the deck is of such size as to divert a significant amount of rain water. Moreover, the Petitioner testified that he has made the same nearly impermeable, so as to prevent leakage from the deck into the alcove. If a significant storm occurs, the resultant storm water need go somewhere, quite possibly towards the house at 6000 Hamilton Avenue. The Petitioner prepares to have no plan or scheme to divert the rain water and thus I am specifically concerned about that potential. For all of these reasons, the Petition for Variance should and must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1<sup>st</sup> day of February, 1994 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of .6 ft. (approx. 7") in lieu of the required 10 ft., be and is hereby DENIED.

LES/mm

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

-7-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 7, 1994

Kathryn T. May  
Attorney at Law  
Levin and Gann  
Suite 113  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 94-231-A  
Petition for Variance  
Property: 6002 Hamilton Avenue  
Roman Szyjka, Petitioner

Dear Mrs. May:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. Roman Szyjka, 6002 Hamilton Avenue, Balto. Md. 21237  
cc: Mr. Mark Scarinzi, 8917 Lennings Lane, Balto. Md. 21237



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6002 Hamilton Avenue  
94-231-A which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1802.3.C.1 to permit a side yard setback of .6 feet in lieu of 10 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

-narrowness of site; unique configuration of the  
ot (see reverse side of this form)

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner  
Kathryn T. May

(Type or Print Name)

Signature

Address

City State Zip Code

305 W. Chesapeake Ave. #113

Towson, MD 21204

City State Zip Code

Why do I solemnly declare and affirm, under the penalties of perjury, that I am the legal owner of the property which is the subject of this Petition.

Legal Owner:

Roman Szyjka

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City State Zip Code

6002 Hamilton Avenue

Baltimore, MD 21237

City State Zip Code

Kathryn T. May

Address

City State Zip Code

305 W. Chesapeake Ave. #113

Towson, MD 21204

City State Zip Code

A Public Hearing having been requested and/or held in accordance with the provisions of the Zoning Regulations of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1994, the undersigned, legal owner(s) of the property, do hereby certify that the information herein given is true and correct to the best of his/her knowledge and belief, and that the property is as described in the description and plat attached hereto and made a part hereof.

Signature of Petitioner

Signature of Zoning Commissioner

Signature of Attorney

Signature of Notary Public

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

Signature of Other

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6002 Hamilton Avenue

Baltimore, MD 21237

City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include location or parcel number)

My home is situated on a narrow lot. I built the deck without knowing I was violating the side yard setback requirement. The deck covered over the side entrance/stairway area which previously would fill with water causing leakage in the cellar. The deck has eliminated this problem, which a neighbor (lot 73) with the same problem had also corrected by building a deck. The deck has also discouraged break-ins (because the cellar entrance has been covered over). Prior to the deck, there were 2 break-ins via the side entrance. The deck cannot exist w/o the variance.\*

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a responding and advertising fee and may be required to provide additional information.

Signature of Affiant(s)

Signature of Affiant(s)

Signature of Affiant(s)

Signature of Affiant(s)

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Signature of Affiant(s)

Signature of Affiant(s)

\*I also intend to erect a 6' wooden fence (as permitted) along the side yard boundary, thus neighbors will not see the deck.

770-9000  
RECEIVED  
FEB 11 1994

Phone: 687-4922

FRANK S. LEE  
Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

October 5, 1993

No. 6002 Hamilton Avenue  
Lot 77, Rosedale Farms, 5/61  
14th District Baltimore County, Maryland


Beginning for the same on the east side of Hamilton Avenue at the distance of 65.02 feet measured southerly along the east side thereof from the center line of 32nd Street (30 feet wide) thence binding on the east side thereof South 1 degrees 18 minutes West 1.29 feet and South 6 degrees 33 minutes East 49.01 feet, thence running for three lines of division as follows: North 89 degrees 50 minutes East 183.64 feet, North 00 degrees 10 minutes West 50 feet and South 89 degrees 50 minutes West 189.06 feet to the place of beginning.

Containing 0.22 acres of land more or less.



District: 197 Date of Posting: 3/1/84  
 Posted for: Horne  
 Position: Reverend Synagogue  
 Location of property: 1027 Howard Ave. S.D., 68.01. 54. 32. N  
 Location of Sign: Leaving road way on property being appraised  
 Remarks:  
 Posted by: W. H. H. Date of return: 3/1/84  
 Number of Signs: 1

District 108  
 Posted for Koussis  
 Petitioner St. John  
 Location of property 6002 H<sub>2</sub>O. 110. H<sub>2</sub>O. SP  
 Location of Sign Living Room, 2nd floor, 1st floor  
 Remarks \_\_\_\_\_  
 Posted by W. H. H. H.  
 Number of Signs 2  
 Date of Posting 12/18/83  
 Date of return 12/23/83


**Baltimore City**  
**Zoning Administration &**  
**Development Management**  
 110 West Commerce Avenue  
 Baltimore, Maryland 21201

Account: R-001-4150  
 Number: 25 (263)

Date: 12/29/81

0020 - BALANCE	2750.00
#080 - BIRM POSTING	25.00
TOTAL	\$2775.00

Mayor: Delbert  
 12 Eastview Boulevard  
 District: 16-5  
 Attorney: Paulus Burgess

**DROP-OFF**  
**NO REVISION (WCR)**

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO THE ZONING COMMISSIONS FOR BALTIMORE COUNTY:

Re: Case MARK 94231A

Petitioner(s): KIMMEL, SALLY A

Location: 6002 HAMMILL AVE

\*\*\*\*\*

1/MS. MARK 94231A-1

Area(s) ..... (Type on page)

☒ Mapel Owners ( ) Residents, of

6000 HAMMILL AVE

Address

FAIRVIEW MD 21231 666420

City/State/Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

which is located approximately 10 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Mark Kimmell 1/3/94

Signature Date

Signature \_\_\_\_\_

District: 155 Date of Posting: 1/15/74  
 Posted for: WILLIAM  
 Petitioner: WILLIAM  
 Location of property: 611 E. 11th Street, N. 1/2 650556/200880  
 Location of Signs: 1st & 2nd Sts. N. 1/2 650556/200880  
 Remarks: WILLIAM  
 Posted by: WILLIAM Date of return: 1/15/74  
 Number of Signs: 1

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Board of Appeals and Regulations of Baltimore County will hold a public hearing on the proposed rezoning of Parcel 21354 or Room 118, of the County Office Building, 111 W. Chesapeake Avenue, located in Block 118, Room 118, of the County Office Building, 21354 or Room 118, Old Courthouse, 400 Washington Boulevard, Baltimore, Maryland as follows:

21354 or Room 118

Case: #94-221-A  
(Room 222)  
5002 Hamilton Avenue  
E. W. Baltimore Avenue  
60.00' E. of 31st Street  
18th Election District  
Baltimore  
Petitioner(s):  
Roman Sylla  
Hearing: Thursday,  
February 1, 1984 at 9:00  
a.m. in Rm. # 108  
Courthouse.

Verbatim to permit a statement of 3 feet in length or less.

**LAWRENCE E. SCHMIDT**  
Zoning Commissioner for  
Baltimore County

**NOTES:** (1) Hearings are held open account; for special accommodations Please Call 800-451-1111

(2) Other information concerning the file underlies, Please Call 800-451-1111

1/17/2 January 13.

THE JEFFERSONIAN,  
P. Hennessey  
LEGAL AD. - TOWSON

## Problemlösung

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

DATE 2/1/94 ACCOUNT 6662-14150

AMOUNT \$175.00

RECEIVED FROM LEVIN + GANN

FOR RELIANT SYSTEMA - APPEAR-VARIANCE  
6662 Hamilton Ave

030103053010HRC \$175.00  
 04 00101334063 01 04

VALIDATION OR SIGNATURE OF CLERK

BALTIMORE COUNTY, MARYLAND  
OFFICE OF THE COMPTROLLER OF DISPOSITION  
MISCELLANEOUS CASH RECEIPT


DATE: 1/23/94 ACCOUNT: 100614150

AMOUNT: \$25.00

RECEIVED FROM: LEVIN + GANN

FOR: RUDAN SZYJKA - VARIANCE AGENCY 310  
6002 HAMILTON AVE  
0303030355INCHRC \$35.00  
94-0011-01-0000-01-04  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-231-A (Item 222)  
6002 Hamilton Avenue  
E/S Hamilton Avenue, 65.02' SE of 32nd Street  
15th Election District - 5th Councilmanic  
Petitioner(s): Romo Sryjka  
HEARING: TUESDAY, FEBRUARY 1, 1994 at 9:00 a.m. in Rm. 118, Courthouse.


Variance to permit a side yard setback of .6 feet in lieu of 10 feet.

Arnold Jablon  
Director

cc: Roman Szyjka  
Mark Sourinzi  
Kathryn T. Mey, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21201

(410) 887-3353

December 23, 1993

Kathryn T. May, Esquire  
305 West Chesapeake Avenue #113  
Towson, Maryland 21204

RE: Case No. 94-231-A, Item No. 222  
Petitioner: Roman Szyjka  
Petition for Administrative Variance

Dear Ms. May:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 29, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

12-10-93

**Ms. Charlotte Minton**  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \* 222 (WCR)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

**Please contact Bob Small at 410-333-1350 if you have any questions.**

**Thank you for the opportunity to review this item.**

Very truly yours,  
*Bob Small*  
 DAVID N. RAMSEY, ACTING CHIEF  
 John Contestabile, Chief  
 Engineering Access Permits  
 Division

BSA

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21203

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: December 10, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 206, **222**, 223, 228 and 232.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long  
Division Chief: James L. Lewis

PK/JL:lw

ZAC.206/PZONE/ZAC1





111 West Chesapeake Avenue  
Towson, MD 21204  
Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

DECEMBER 16, 1993 (410) 887-3610

ZONING AGENDA: DECEMBER 13, 1993

Property Owner: REVISED PETITIONS AND PLANS WERE RECEIVED FOR  
ITEM #206 ON 12/1/93

Location:  
Item No.: #206

Property Owner: Roman Szyjka  
Location: #6002 Hamilton Avenue  
Item No.: #222 (WCR)

Property Owner: Perry Hall Courts II Joint Venture  
Location: #81, #83, & #87 Cedar Chip Court  
Item No.: 223 (RT)

Property Owner: George Sears, Jr.  
Location: #20 Clyde Avenue  
Item No.: 226 (JLL)

Property Owner: George Sears, Jr.  
Location: #22 Clyde Avenue  
Item No.: 227 (JLL)

Property Owner: Wayne DeFontes  
Location: #15 Eastern Boulevard  
Item No.: #232 (WCR)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Robert Sauerwald*  
Planning Group  
Special Inspection Division  
Robert Sauerwald



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 28, 1994

Mr. Mark Scarinzi  
8917 Lennings Lane  
Baltimore, MD 21237

RE: Petition for Variance  
E/S Hamilton Avenue, 65.02 ft.  
SE of 32nd Street  
(6002 Hamilton Avenue)  
15th Election District  
5th Councilmanic District  
Roman Szyjka-Petitioner  
Case No. 94-231-A

Dear Mr. Scarinzi:

Please be advised that an appeal of the above-referenced case was  
filed in this office on February 25, 1994 by Kathryn T. May on behalf  
of Roman Szyjka. All materials relative to the case have been  
forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not  
hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Director

AJ:jaw

cc: James H. Thompson  
People's Counsel

APPEAL

Petition for Variance  
E/S Hamilton Avenue, 65.02 ft. SE of 32nd Street  
(6002 Hamilton Avenue)  
15th Election District - 5th Councilmanic District  
Roman Szyjka-Petitioner  
Case No. 94-231-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Location Survey

2 - Plat to Accompany Petition for Variance

3 - Four (4) Photographs

Twenty-eight letters of favor from neighbors

Request for Public Hearing

Zoning Commissioner's Order dated February 7, 1994 (denied)

Notice of Appeal received on February 25, 1994 from Kathryn T. May  
on behalf of Roman Szyjka

cc: Kathryn T. May, Levin and Gann, Suite 113, 305 W. Chesapeake  
Avenue, Towson, MD 21204

Mr. Mark Scarinzi, 8917 Lennings Lane, Baltimore, MD 21237

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
James H. Thompson, Zoning Enforcement  
Docket Clerk  
Arnold Jablon, Director of ZADM



OLD COURTHOUSE, ROOM 43  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

January 11, 1995

Kathryn T. May, Esquire  
LEVIN & GANN  
305 W. Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 94-231-A  
ROMAN SZYJKA

Dear Ms. May:

As no further appeals have been taken regarding the subject  
matter, we have closed the file and returned same to the Office of  
Zoning Administration and Development Management, along with any  
exhibits entered in this matter. The Zoning Office maintains the  
permanent file.

Anyone interested in either the file or the exhibits is  
advised to contact Gwen Stephens in Zoning Administration at 887-  
3391 immediately upon receipt of this letter. By copy of this  
letter, all parties of record that may have an interest in this  
file have been notified.

Sincerely,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

cc: Roman Szyjka  
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
DATE: January 11, 1995

FROM: Charlotte E. Radcliffe  
County Board of Appeals

SUBJECT: Closed File: Case No. 94-231-A  
ROMAN SZYJKA  
District 15c5

As no further appeals have been taken regarding the subject  
case, we are closing the file and returning same to you herewith.

Attachment

4/13/94 -Notice of Assignment for hearing scheduled for Tuesday, July 5,  
1994 at 10:00 a.m. sent to following:

Katherine T. May, Esquire  
Roman Szyjka  
Mr. Mark Scarinzi  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy H. Kotzko  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

4/13/94 -Letter dated March 12, 1994 from Mark Scarinzi with attached drawing.

4/14/94 -Letter to Mr. Scarinzi -- acknowledging receipt of letter; forwarding  
copy of letter to Kathryn T. May, counsel for petitioner.

6/06/94 -Letter from Mark Scarinzi -requesting postponement from 7/05/94 hearing  
date; will be out of town on planned vacation in Canada.

6/07/94 -Copy of M. Scarinzi's letter to Kathryn T. May for comment; cc to  
Mr. Scarinzi.

6/10/94 -PP request of M. Scarinzi GRANTED; matter postponed and rescheduled to  
Tuesday, July 12, 1994 at 10:00 a.m. Notice of PP and Reassignment sent  
to parties.

6/13/94 -Letter hand delivered from K. May, Esquire --her client, Mr. Szyjka,  
opposes the postponement requested by Mr. Scarinzi. (Postponement granted  
prior to receipt of letter; rescheduled to date one week later.)

7/12/94 -Hearing held and concluded before the Board. After public deliberation  
upon conclusion of hearing, Board DENIED Petition for Variance; written  
Opinion/Order to be issued; appellate period to run from date of that  
written Opinion/Order. (C.R.B.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Roman Szyjka -Petitioner  
Case No. 94-231-A

DATE : July 12, 1994 /at conclusion of hearing

BOARD /PANEL : C. William Clark, Acting Chairman (CWC)  
Harry E. Buchheister, Jr. (HEB)  
Robert O. Schuetz (ROS)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Those present included Kathryn T. May, Esquire, Counsel for  
Appellant /Petitioner; Roman Szyjka, Appellant /Petitioner;  
Mark Scarinzi, Protestant; and Carole S. Desalio, Deputy  
People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for  
variance presented to the Board; testimony and evidence taken  
this date. Opinion and Order to be issued by Board setting  
forth written findings of fact.

Opening statement by Acting Chairman Clark.

ROS: Reviewed evidence and testimony received; acknowledged  
possible water problems faced by Petitioner, but also  
indicated that this is not unique; other similar situations  
exist; other means available for both water and security  
problems; noted that deck in question possibly makes windows  
more accessible; no extenuating circumstances shown by  
testimony or evidence on practical difficulty or undue  
hardship; could have explored other opportunities to take care  
of water and security problems. Would deny Petition.

Petition for Variance should be denied.

HEB: Reviewed circumstances of case; while he believes Petitioner  
does things capably, neglected very important aspect, that  
being the rights of neighbor; other methods which, as an  
engineer, he could have pursued to correct water problems,  
etc.; also did not obtain proper permit. Concure with ROS  
that Petition should be denied.

Petition should be denied.

CWC: Reviewed petition as originally filed for setback of .6' in

Deliberation /ROMAN SZYJKA /94-231-A

lieu of 10' and petition as amended for setback of 2' in lieu  
of 10'; as further explanation of comments made by colleagues,  
Section 307 of BCZR permits the Board on petition to grant  
variance from height/area regulations where special  
circumstances or conditions exist that are peculiar to the  
land or structure that is the subject of the variance request  
and where strict compliance would result in practical  
difficulty or undue hardship; does not believe that evidence  
demonstrates that there is any special circumstance or  
condition as required by 307; Petitioner's testimony indicates  
this is not unique; would deny the Petition for Variance and  
affirm the decision below; all that is before Board is  
Petition for Variance for side yard setback; however,  
referenced Petitioner's application for building permit, which  
covers constructing the second portion of deck to the rear and  
compliance with regulations. Petition for Variance as filed  
should be denied.

Variance should be denied.

CWC, in closing remarks, indicated that it was the final decision  
of the Board that the requested variance be denied; written Opinion  
and Order to be issued, citing facts upon which the decision was  
made; appellate period to run from date of that written Opinion and  
Order and not from today's date.

Respectfully submitted,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

PETITION FOR VARIANCE  
BEFORE THE  
BOARD OF APPEALS  
OF BALTIMORE COUNTY  
CASE NO: 94-231-A  
PETITIONER :  
ROMAN SZYJKA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY THAT on this 21 day of March, 1994, a copy of the foregoing Entry of Appearance was mailed to Roman Szyjka, 6002 Hamilton Avenue, Baltimore, MD.

Peter Max Zimmerman

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 16, 1993

Kathryn T. May, Esquire  
305 West Chesapeake Avenue  
Suite 113  
Towson, MD 21204

RE: Preliminary Petition Review (Item #222)  
Legal Owner: Roman Szyjka  
6002 Hamilton Avenue  
15th Election District

Dear Ms. May:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Catherine A. Milton  
Planner I

CAM:scj

Enclosure (receipt)

cc: Zoning Commissioner

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JANUARY 5, 1994

Roman Szyjka  
6002 Hamilton Avenue  
Baltimore, Maryland 21204

Re: Case Number: 94-231-A  
6002 Hamilton Avenue

Dear Mr. Szyjka:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to report the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

Posting charges in the amount of \$9.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

Arnold Jablon  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DECEMBER 14, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

To: Roman Szyjka  
6002 Hamilton Avenue  
Baltimore, Maryland 21204

Re: CASE NUMBER: 94-231-A (Item 222)  
6002 Hamilton Avenue  
E/S Hamilton Avenue, 65.02' SE of 32nd Street  
15th Election District - 5th Councilmanic District

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a reference regarding the administrative process.

- 1) Your property will be posted on or before December 15, 1993. The posting date (January 5, 1994) is the deadline for a motion to file a formal request for a public hearing. After the posting date, the file will be reviewed by the Zoning or Deputy Zoning Commissioners. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the posting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date, failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. COPIES ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
DIRECTOR

cc: Kathryn T. May, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 22, 1994

Mr. Roman Szyjka  
6002 Hamilton Avenue  
Baltimore, MD 21237

RE: Case No. 94-231-A  
6002 Hamilton Avenue  
14th Election District

Dear Mr. Szyjka:

As a result of the conference in my office on February 17, 1994, I had the opportunity to speak with Carl Richards, Zoning Coordinator, concerning whether a reduction of the size of the deck to cover the step alcove would violate the Baltimore County Zoning Regulations.

Unfortunately, the answer is yes. Should you detach this proposed, reduced deck from your home, it would still violate the zoning regulations. The deck would then be considered an accessory structure and by law must be placed in the rear yard 2 1/2 feet from the rear and side property lines.

You should give serious consideration towards taking an appeal of the Zoning Commissioner's decision dated February 7, 1994, if you do not plan on removing this deck from the side yard. Such an appeal must be filed no later than March 7, 1994.

Failure to take any action will result in a violation of the zoning regulations, wherein the penalty could be \$200 per day/per violation.

Sincerely,

JAMES H. THOMPSON  
Zoning Coordinator

JHT:woh



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

April 14, 1994

Mr. Mark Scarinzi  
6000 Hamilton Avenue  
Baltimore, MD 21237

Re: Case No. 94-231-A  
Roman Szyjka - Petitioner

Dear Mr. Scarinzi:

This office is in receipt of your letter dated March 12, 1994 (received April 13, 1994) concerning the subject matter.

By copy of this letter, we are forwarding a photocopy of your letter with attached drawing to Counsel for Petitioner.

Very truly yours,

Kathleen C. Weidenhammer  
Administrative Assistant

cc: Kathryn T. May, Esquire w/attachment



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

April 13, 1994

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-231-A

ROMAN SZYJKA  
E/S Hamilton Avenue, 65.02 ft. SE of 32nd Street (6002 Hamilton Avenue)  
15th Election District  
5th Councilmanic District

VAR -To permit a side yard setback of .6 ft. (approx. 7") in lieu of required 10 ft. for existing deck.

2/07/94 - Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR:

TUESDAY, JULY 5, 1994 at 10:00 a.m.

cc:

Kathryn T. May, Esquire  
Roman Szyjka

Counsel for Petitioner  
Petitioner

Mr. Mark Scarinzi

People's Counsel for Baltimore County

P. David Fields  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

June 10, 1994

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-231-A

ROMAN SZYJKA  
E/S Hamilton Avenue, 65.02 ft. SE of 32nd Street (6002 Hamilton Avenue)  
15th Election District  
5th Councilmanic District

VAR -To permit a side yard setback of .6 ft. (approx. 7") in lieu of required 10 ft. for existing deck.

2/07/94 - Z.C.'s Order in which Petition for Variance was DENIED.

which was scheduled to be heard on July 5, 1994 has been POSTPONED at the request of Appellees due to schedule conflict; and has been

REASSIGNED FOR: TUESDAY, JULY 12, 1994 at 10:00 a.m.

cc: Kathryn T. May, Esquire  
Roman Szyjka

Counsel for Appellant/Petitioner  
Appellant/Petitioner

Mr. Mark Scarinzi

Appellee

People's Counsel for Baltimore County

Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



222

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
1000 PLAZA  
10TH FLOOR  
BALTIMORE, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

LAW OFFICES  
LEVIN & GANN  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

ELIS LEVIN (1893-1960)

KATHRYN T. MAY

November 24, 1993

HAND DELIVERED  
The Honorable Lawrence Schmidt  
Zoning Commissioner of Baltimore County  
400 Washington Avenue  
Towson, Maryland 21204

RE: Administrative Variance  
6002 Hamilton Avenue  
Roman Szyjka, Petitioner

Dear Commissioner Schmidt:

Enclosed please find a Petition for Administrative Variance for property located at 6002 Hamilton Avenue. The requisite \$85.00 fee is enclosed.

If there are any questions in relation to this Petition please contact me. Thank you for your assistance in this matter.

Sincerely,

*Kathryn T. May*  
Kathryn T. May

KTM/lis

enclosures

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
1000 PLAZA  
10TH FLOOR  
BALTIMORE, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

LAW OFFICES  
LEVIN & GANN  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

ELIS LEVIN (1893-1960)

KATHRYN T. MAY

December 1, 1993

HAND DELIVERED

The Honorable Lawrence Schmidt  
Baltimore County Zoning Commissioner  
400 Washington Avenue  
Towson, Maryland 21204

RE: Administrative Variance  
6002 Hamilton Avenue  
Roman Szyjka, Petitioner

Dear Commissioner Schmidt:

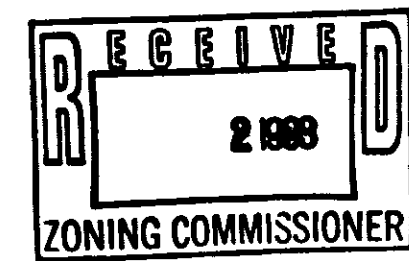
On Monday of this week I filed a Petition for Administrative Variance, as referenced above. Enclosed please find letters of support for this Petition from the Petitioner's neighbors.

Please call me if you have any questions about this Petition.

Sincerely,

*Kathryn T. May*  
Kathryn T. May

enclosures



BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
1000 PLAZA  
10TH FLOOR  
BALTIMORE, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

LAW OFFICES  
LEVIN & GANN  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

ELIS LEVIN (1893-1960)

KATHRYN T. MAY

February 25, 1994

HAND DELIVERED

Arnold Jablon, Director  
Zoning Administration and Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 94-231-A  
Petition for Variance  
Property: 6002 Hamilton Avenue  
Roman Szyjka, Petitioner

Dear Mr. Jablon:

Please note an appeal to the Baltimore County Board of Appeals from the Zoning Commissioner's February 7, 1994 Order in the above referenced matter. The \$175.00 filing fee and \$35.00 sign fee are enclosed.

Please contact me with any questions.

Sincerely,

*Kathryn T. May*  
Kathryn T. May

enclosure

c.c. Mr. Roman Szyjka  
Mr. Mark Scarinzi

2/25/94 jw  
ZONING OFFICE

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
1000 PLAZA  
10TH FLOOR  
BALTIMORE, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

LAW OFFICES  
LEVIN & GANN  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-338-1000  
TELETYPE 410-338-1000

ELIS LEVIN (1893-1960)

KATHRYN T. MAY

June 13, 1994

HAND DELIVERED

William T. Hackett, Chairman  
Board of Appeals  
400 Washington Avenue  
Towson, Maryland 21204

RE: Case No. 94-231-A  
Roman Szyjka

Dear Chairman Hackett:

My client, Mr. Szyjka, adamantly opposes the request of Mark Scarinzi to postpone the July 5, 1994 hearing in the above referenced case. This hearing date was set in April, giving Mr. Scarinzi more than adequate time to plan his vacation.

Additionally, my client is anxious to have this matter resolved. In fact, he has arranged for contractors to either complete the deck or remove it the third week in July, depending on the decision of the Board. These contractors cannot be easily rescheduled.

To grant a postpone at this late date would be grossly unfair to my client. Thus, I respectfully urge you to deny Mr. Scarinzi's request to postpone the case and allow the hearing to proceed as scheduled.

Sincerely,

*Kathryn T. May*  
Kathryn T. May

c.c. Mr. Mark Scarinzi

94 APR 13 PM 12:06

March 12, 1994

William T. Hackett, Chairman  
County Board of Appeals of Baltimore County  
Room 49 Old Courthouse  
Towson, MD 21204

Dear Mr. Hackett,

I would like to bring to your attention an error in the plat accompanying petition number 94-231-A. Please note that the drawing included in the folder is incorrect in that it erroneously depicts the proposed deck as a small deck to be built onto an existing deck. The so called "existing deck" is the cause of the initial complaint to Zoning Administration. I have enclosed a modified drawing to bring to your attention the reason for this case.

At the initial hearing the decision was made to remove the deck in light of Mr. Szyjka's failure to obtain the proper building permits for this "existing deck", and the fact that I have had an undo hardship created to my property by receiving excessive water drainage created from the change of grade under the deck. Mr. Szyjka stated in the initial hearing that he would correct this problem by removing the 400 square feet of plastic which directs the water onto my property from his. As of this date he has not made the correction, and I am receiving a great deal of runoff from his deck area. When ever it rains I am receiving so much water that my sump pump runs every 30 seconds. Frankly, I do not have good faith that Mr. Szyjka intends to do anything to remedy the water problem he has created.

Sincerely,  
*Mark Scarinzi*  
Mark Scarinzi  
6000 Hamilton Ave.  
Baltimore, MD 21237

William T. Hackett, Chairman  
County Board of Appeals  
Room 49 Old Court House  
Towson, MD 21204

June 8, 1994

RE: Case # 94-231-A  
Roman Szyjka - Petitioner

Dear Mr. Hackett:

I would like to request a postponement of the July 5th, 1994 hearing of appeal for case # 94-231-A (Roman Szyjka, 6002 Hamilton Ave.).

The reason for the appeal is due to a conflict with my vacation scheduled for the last week of June through July 5th, 1994. I will be traveling in Canada and have made arrangements which if broken will result in a monetary loss to me. I had planned on trying to be back for the hearing, but due to travel time, I find it impossible to make it back after the July 4th holiday. Thank you for your consideration in this matter.

Sincerely,

*Mark Scarinzi*  
Mark Scarinzi  
8917 Lenning Lane  
Baltimore, MD 21237  
(w) 686-6703  
(h) 830-3013

RECEIVED  
COUNTY BOARD OF APPEALS  
94 JUN -6 PM 12:01

Copy to K May 6/16/94: 2 PC  
for comment 1/8/94

November 27, 1993

Lawrence Schmidt  
Baltimore County Zoning Commissioner  
Towson Courthouse  
Towson, Maryland 21204

Dear Mr. Schmidt,

I approve and favor granting the administrative variance for installing the proposed deck and privacy fence at 6002 Hamilton Avenue.

Name: *Miss L. R. N. W. J.*  
Address: *6109 Hamilton Ave*  
*Baltimore Md 21237*

RE: Administrative Variance for 6002 Hamilton Avenue  
Roman Szyjka, petitioner

November 27, 1993

Lawrence Schmidt  
Baltimore County Zoning Commissioner  
Towson Courthouse  
Towson, Maryland 21204

Dear Mr. Schmidt,

I approve and favor granting the administrative variance for installing the proposed deck and privacy fence at 6002 Hamilton Avenue.

Name: *Harry Gilson Harry Gilson*  
Address: *2908 32nd St*  
*Baltimore md 21237*

RE: Administrative Variance for 6002 Hamilton Avenue  
Roman Szyjka, petitioner

94-231-A



RE: Administrative Variance for 6002 Hamilton Avenue  
Roman Szyjka, petitioner

2000 AM  
20144

MARK SCHWINE

8777 LEANERS IN KILTS

Plat to account

PROPERTY ADDRESS

Subdivision name: KCS

plat book: WPCs

folio# 61

OWNER: MARK

HAMILTON

51-12 W

56-33 E

366  
20  
2502  
589

366 to  
#80372

# Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6000 HAMILTON AVE.

Subdivision name: ROSEDALE FARMS  
plat book NPC's, follow 6L, lot # 7B, section # \_\_\_\_\_

OWNER: MARK SCARINZI

HAMILTON  
AVE

EX.  
2 APT. DWG

JOSEPH LENTZ 8435-3460  
14-12-041690

32ND '30', ST

MARK SCARINZI 4335-34  
14-12-0414652

EX.  
DWC

S89°50'W

189°06'

EX. DECK

ROMAN SZYKA 8435-2900  
PROP. 14-19-049530  
DECK

C.B.-  
GAR.

NO. 100' W

51'-12" W

56'-33" E

AVE

North

date: 4-4-94

prepared by: MARK SCARINZI

Scale of Drawing: 1" = 20'

see pages 5 & 6 of the CHECKLIST for additional required information

LOCATION MAP  
SCALE 1" = 1000'  
Vicinity Map  
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 14  
Councilmanic District: 7  
T=20' scale map: NE 3-E  
Zoning: DR 5.5  
Lot size: 0.22 acre  
Storage square foot

SEWER: ☒ ☐  
WATER: ☒ ☐  
Chesapeake Bay Critical Area: ☐ ☐  
Prior Zoning Hearings: ☐ ☐

Zoning Office USE ONLY!  
reviewed by: \_\_\_\_\_ ITEM #: CASE#:

32<sup>ND</sup> STREET  
(40' R/W - PAVED 18')

78 77 76

50' 45' 50' 10' E 50'

CHAIN LINK FENCE

175' ±

71.2 DLR. GAE 72.4

173.0' ±

CHAIN LINK FENCE

30.5

20.4 15' Y. DR. 16000

21.4 21.4

CHAIN LINK FENCE

50' ± 50' W

\* 6000

R/W ±

RD. EDGE

HAMILTON AVENUE  
(50' R/W - PAVED 28')

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

*George A. Davis*

REG. NO. 8012


NOTE: Being Lot No. 77, as shown on the Plat of Rosedale Farms, which Plat is recorded among the Land Records of Balto. Co. in Plat Book W.P.C. No. 5, folio 61.

Saving and excepting therefrom a right-of-way take for the widening of Hamilton Avenue.

NOT IN FLOOD ZONE

SCALE		LOCATION SURVEY	
1" = 40'		6002 Hamilton Avenue 14th District Balto.Co., Md.	
DATE 5/11/92		GENERAL SURVEYING CO. LAND & TOPOGRAPHIC SURVEYS 9 Lake Forest Court Baltimore, Md. 21236	
JOB No. 92452			

NOTE: This plat is not intended for use in establishing property lines.



People's Counsel  
Exhibits 1A & 1B

Petitioner's Eas #2

222

# 94-231-A

32ND ST  
32ND ST  
SITE  
31ST ST  
30TH ST

HAMILTON AVE

LOCATION MAP  
SCALE 1" = 1000'

Existing zoning DR 5.9  
Area of Lot 0.22 Ac.  
Counincilmatic Dist. 5

OWNER  
Roman Szyika  
6002 Hamilton Avenue  
Baltimore, Md. 21237  
866 - 8863

HAMILTON AVE

32ND ST '30', ST

MARY SCARZINI 4435-04  
14-1419014652

VARIANCE 0.60  
PROP. WOOD PRIVACY FENCE

EX DWG.

589'-50" W

189'-06"

PROF. DECK

C.B. GAR.

183'-64"

N 89°-50'E

ANDREW ROHREZ  
9743-198  
W-1418048625

EX DWG.

30'x

56'-33"E

AVE

PLAT TO ACCOMPANY PETITION FOR A SIDE YARD VARIANCE OF 0.60' IN LIEU OF THE REQ. 10'

LOT 77

## ROSEDALE FARMS

PLAT BOOK 5-G1

14TH DISTRICT BALTIMORE CO, MARYLAND

Scale 1" = 32'

7-15-10-5-93

FRANK J. LIRE  
1277 N.E. 3RD AVE.  
BALTIMORE, MD. 21237  
687-6792

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

*Eugene A. Davis*

REG. NO. 8012

**SCALE**  
1" = 40'

**DATE**  
6/11/92

**JOB No.**  
72452

**LOCATION SURVEY**  
6002 Hamilton Avenue 14th District Balto., Co.

**GENERAL SURVEYING  
LAND & TOPOGRAPHIC**  
9 Lake Forest Court  
Baltimore, Md. 21236

Shows side entrance/cellar steps prior to deck; note the distance from side property line is approximately the same as w/ the deck.

**NOT IN FLOOD ZONE**

**PETITIONERS LAND SURVEY**

**NOTE:**  
Being Lot No. 77, as shown on the Plat of Rosedale Farms, which Plat is recorded among the Land Records of Balto. Co. in Plat Book W.P.C. No. 5, folio 61.  
Saving and excepting therefrom a right-of-way take for the widening of Hamilton Avenue.

**Exh. #3**

**Petitioner's**

**HAMILTON AVENUE**  
(50' R/W - PAVED 26')

**32 HP STREET**  
(40' R/W - PAVED 18')

Detailed description of the plat diagram:  
The diagram shows a street intersection. At the top, a horizontal line is labeled "CHAIN LINK FENCE". Below it, a vertical line runs down the center, also labeled "CHAIN LINK FENCE". To the left of this vertical line is a rectangular area labeled "DASE. EUTE." with dimensions "16000" and "1 65' 30\"/>

State Farm Insurance Companies

STATE FARM  
INSURANCE

2615 North Point Blvd  
Dundalk, Maryland 21222  
(410) 288 7150

December 9, 1993

Roman Szyjka  
6002 Hamilton Ave  
Baltimore, MD 21237-1427

RE: Claim Number: 20-R353-245  
Date of Loss: August 1, 1993  
Our Insured: Roman Szyjka

Dear Mr. Szyjka:

Please find enclosed our estimate of repair as well as your settlement draft representing the actual cash value of repairs. This draft does represent payment under Section I - Dwelling Coverage of your policy.

Please have the contractor of your choice review the estimate. Should you or your contractor have any questions concerning the estimate, please call me at the number listed below before any work is started.

To make a claim for the Replacement Cost Benefits of your policy, simply return the enclosed Property Claim Agreement to me, along with the bills for repairs. A draft will then be issued to you for the actual cost of repairs, or 6316.03, whichever is less. At our option, an inspection of these repairs will be made.

If you have any questions, please feel free to call me.

Sincerely,

*Vivian Mullen*  
Vivian Mullen  
Claim Specialist  
(410) 288-7234

State Farm Fire and Casualty Company

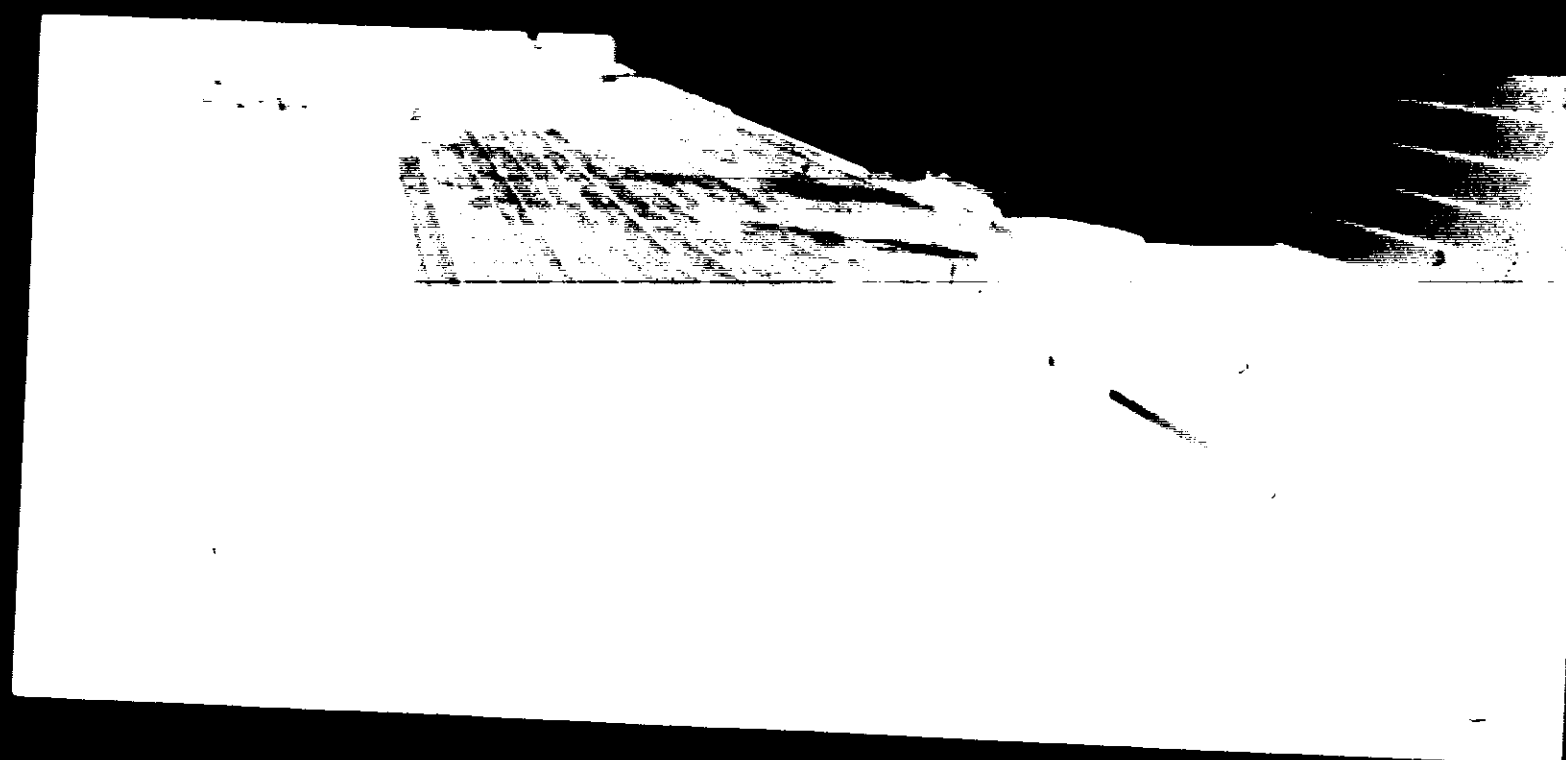
Enclosure

cc: Rohrbaugh 1154

Petitioner's  
Exh. #4

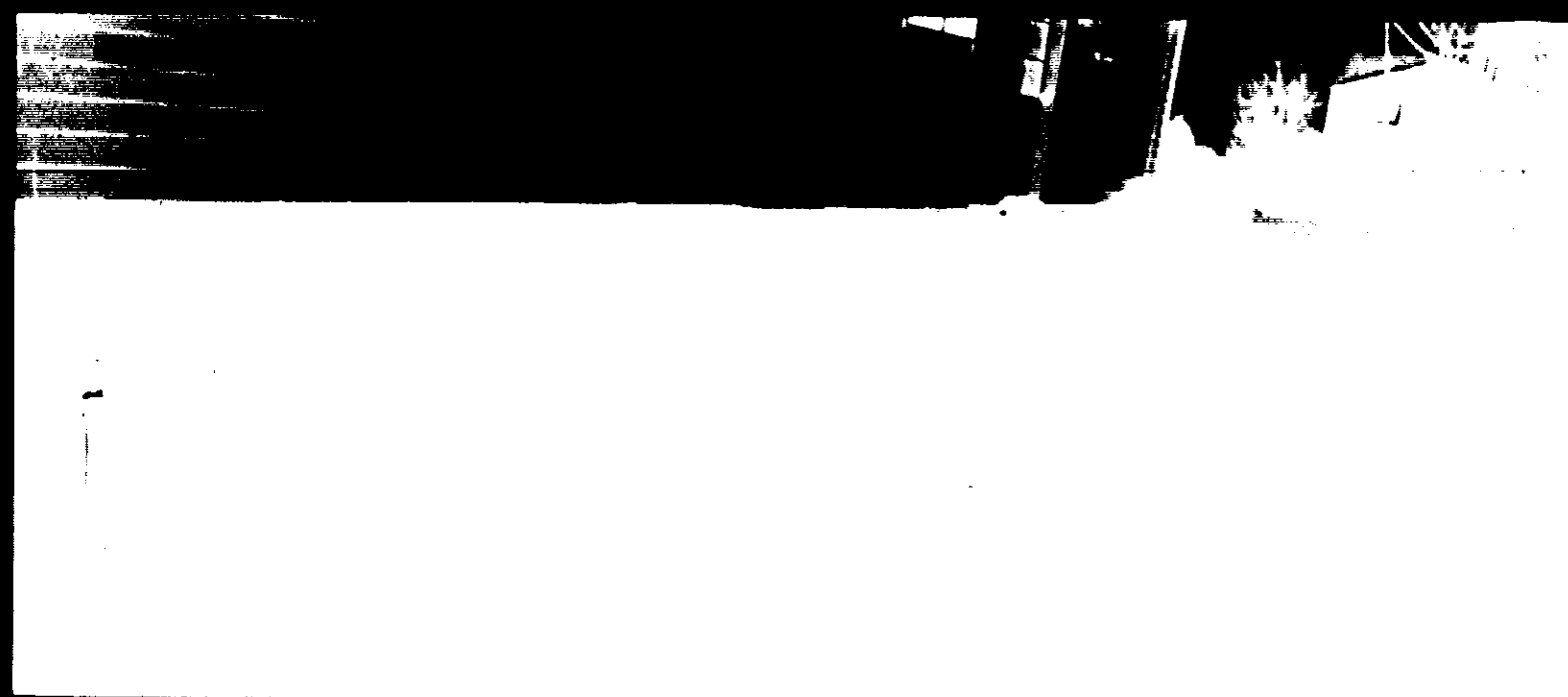
HOME OFFICES: BLOOMINGTON, ILLINOIS 61710-0001

94-231-A



Let 3B  
Petitioner's  
Exh. #5

94-231-A



Let 3A  
Petitioner's  
Exh. #6

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

PERMIT # 61  
RECEIPT # 4  
CONTROL # 418  
XREF # 418

PROPERTY ADDRESS 6002 Hamilton Ave  
SUBDIV 6002 Hamilton Ave  
TAX ACCOUNT # 7120732  
OWNER'S INFORMATION (LAST, FIRST)  
NAME: ROMAN SZYJKA  
ADDRESS: 6002 Hamilton Ave  
CITY: TOWSON STATE: MD ZIP: 21204

APPLICANT INFORMATION  
NAME: ROMAN SZYJKA  
COMPANY: OWNER  
ADDRESS: 6002 Hamilton Ave  
CITY: TOWSON STATE: MD ZIP: 21204  
PHONE: 866-5863 MHC LICENSE # 1

INSPECTOR: AW  
I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE WORK IS CORRECT AND TRUE, AND THAT IN ORDER TO BE IN FULL COMPLIANCE WITH THE BUILDING CODE AND ALL APPLICABLE STATE REGULATIONS, I WILL BE OBLIGED TO OBTAIN THE NECESSARY PERMITS AND PAY THE NECESSARY FEES AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING: 1 OF 2 FAM.  
CODE: 1  
BOOK CODE: 1  
TYPE OF IMPROVEMENT:  
1. NEW BLDG CONST  
2. ADDITION  
3. ALTERATION  
4. REPAIR  
5. WRECKING  
6. MOVING  
7. OTHER

TYPE OF USE:  
RESIDENTIAL:  
01. ONE FAMILY  
02. TWO FAMILY  
03. THREE AND FOUR FAMILY  
04. FIVE OR MORE FAMILY  
05. SWIMMING POOL  
06. LAUNDRY  
07. OTHER  
NON-RESIDENTIAL:  
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY  
09. CHURCH, OTHER RELIGIOUS BUILDING  
10. FENCE (HEIGHT) 12' X 49' X 2' = 485 SF 100  
11. INDUSTRIAL, STORAGE BUILDING  
12. PARKING GARAGE  
13. SERVICE STATION, REPAIR GARAGE  
14. HOSPITAL, INSTITUTIONAL, NURSING HOME  
15. OFFICE, BANK, PROFESSIONAL  
16. PUBLIC UTILITY  
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
18. SIGN  
19. STORE  
20. SWIMMING POOL  
21. TANK, TOWER  
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)  
23. OTHER

TYPE OF CONSTRUCTION:  
1. MASONRY  
2. WOOD FRAME  
3. STRUCTURE STEEL  
4. REINFORCED CONCRETE  
TYPE OF HEATING FUEL:  
1. GAS  
2. OIL  
3. ELECTRICITY  
4. COAL  
TYPE OF SEWAGE DISPOSAL:  
1. PUBLIC SEWER  
2. PRIVATE SYSTEM  
3. SEPTIC  
4. PRIVY  
CENTRAL AIR: 1  
ESTIMATED COST: 600.00  
PROPOSED USE: SFD + ADDITION  
EXISTING USE: SFD

OWNERSHIP:  
1. PRIVATELY OWNED  
2. PUBLICLY OWNED  
3. SALE  
4. RENTAL  
RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHOUSE 5. MIDRISE  
#FAM: 1 #BED: 2 #BED: 2 TOT BED: 4 TOT APTS/CONDOS: 0 #MIDRISE: 0  
GARAGE DISPOSAL: 1. Y 2. N BATHROOMS: 04 CLASS: 04 FLOOR: 61  
KITCHENS: 1 LINEN: 1

APPROVAL SIGNATURES: \_\_\_\_\_ DATE: \_\_\_\_\_  
MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED  
Petitioner's Exh. #7

Petitioner's  
Exh. #8

November 27, 1993

Lawrence Schmidt  
Baltimore County Zoning Commissioner  
Towson Courthouse  
Towson, Maryland 21204

Dear Mr. Schmidt,

I approve and favor granting the administrative variance for installing the proposed deck and privacy fence at 6002 Hamilton Avenue.

Name: ROMAN SZYJKA  
Address: 6002 Hamilton Ave  
Towson, Md 21204

RE: Administrative Variance for 6002 Hamilton Avenue  
Roman Szyjka, petitioner